

EXHIBIT 37

1 HONORABLE THOMAS S. ZILLY
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 HUNTERS CAPITAL, LLC, et al.,

12 Plaintiffs,

13 v.

14 CITY OF SEATTLE,

15 Defendant.

16 Case No. 20-cv-00983-TSZ

17 NOTICE OF INTENT TO SERVE
18 SUBPOENA TO PRODUCE DOCUMENTS,
19 INFORMATION, OR OBJECTS OR TO
20 PERMIT INSPECTION OF PREMISES IN A
21 CIVIL ACTION

22 • **LaRisa DeYoung**

23 TO: Plaintiffs

24 Please take notice that defendant, City of Seattle, intends to serve a Subpoena to Produce
25 Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, in the
forms attached hereto, on LaRisa DeYoung, on August 19, 2022, or as soon thereafter as service
may be effectuated.

1 DATED this 19th day of August, 2022.

2 ANN DAVISON
3 Seattle City Attorney

4 By: s/Joseph Groshong
5 Joseph Groshong, WSBA #41593
6 Assistant City Attorney
7 Seattle City Attorney's Office
8 701 Fifth Avenue, Suite 2050
9 Seattle, WA 98104
10 Tel: (206) 684-8200
11 Joseph.Groshong@seattle.gov

HARRIGAN LEYH FARMER & THOMSEN LLP

By: s/Arthur W. Harrigan, Jr.
By: s/Tyler L. Farmer
By: s/Shane P. Cramer
By: s/Bryn R. Pallesen
By: s/Erica Iverson
Arthur W. Harrigan, Jr., WSBA #1751
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14 *Attorneys for the City of Seattle*

1 **CERTIFICATE OF SERVICE**

2 I, Bryn R. Pallesen, declare that I am employed by the law firm of Harrigan Leyh Farmer
3 & Thomsen LLP, a citizen of the United States of America, a resident of the State of Washington,
4 over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a
witness herein.

5 On August 19, 2022, I caused a true and correct copy of the foregoing document to be
6 served on counsel listed below in the manner indicated:

7 Patricia A. Eakes

Via Hand Delivery

8 Angelo J. Calfo

Via First Class Mail

9 Tyler S. Weaver

Via Facsimile

10 Andrew S. DeCarlow

Via Electronic Mail

11 Henry C. Phillips

Via CM/ECF

12 Gabriel Reilly-Bates

13 **Morgan, Lewis & Bockius LLP**

14 1301 Second Avenue, Suite 2800

15 Seattle, WA 98101

16 patty.eakes@morganlewis.com

17 angelo.calfo@morganlewis.com

18 tyler.weaver@morganlewis.com

19 andrew.decarlow@morganlewis.com

20 henry.phillips@morganlewis.com

21 gabriel.reillybates@morganlewis.com

22 DATED this 19th day of August, 2022.

23 *s/ Bryn R. Pallesen*

24 Bryn R. Pallesen, Attorney

25 brynp@harriganleyh.com

UNITED STATES DISTRICT COURT
for the
Western District of Washington

HUNTERS CAPITAL, LLC, et al.,)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 20-cv-00983-TSZ
City of Seattle)	
<i>Defendant</i>)	

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: **LaRisa DeYoung, c/o Gabe Reilly-Bates of Morgan , Lewis & Bockius LLP, 1301 Second Ave, Suite 2800, Seattle, WA 98101, gabriel.reillybates@morganlewis.com**
(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: Harrigan Leyh Farmer & Thomsen LLP 999 Third Ave, Suite 4400 Seattle, WA 98104	Date and Time: 08/31/2022 9:00 am
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The deposition will be recorded by this method: Video and stenographic

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attachment A**

Place: Harrigan Leyh Farmer & Thomsen LLP 999 Third Ave, Suite 4400 Seattle WA 98104	Date and Time: 08/30/2022 at 10:00 am
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/22/2022

CLERK OF COURT

OR

/s/ Bryn R. Pallesen

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Defendant City of Seattle, who issues or requests this subpoena, are:

Bryn R. Pallesen, Harrigan Leyh Farmer & Thomsen LLP, 999 Third Ave, Suite 4400, Seattle, WA 98104,
brynp@harriganleyh.com, (206) 623-1700

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 20-cv-00983-TSZ

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any) _____
on (date) _____.

I served the subpoena by delivering a copy to the named individual as follows: _____

on (date) _____; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

- (i) is a party or a party's officer; or
- (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

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(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

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- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
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(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

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(g) Contempt.

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ATTACHMENT A

Based on the included definitions, You are directed to produce the following:

1. All communications relating to the Capitol Hill Occupied Protests (CHOP), the Capitol Hill Autonomous Zone (CHAZ), or the protests concerning Black Lives Matter (BLM) and/or George Floyd (Protests).
2. All documents and communications relating to the deletion or preservation of documents and/or communications relating to this litigation, CHOP, CHAZ, and/or the Protests.

Definitions

For purposes of this Subpoena, the following definitions apply:

1. DOCUMENT is used as broadly as that term is used, construed, and interpreted under the Federal Rules of Civil Procedure, and includes electronically stored information.
2. COMMUNICATIONS means any oral or written statement between two or more persons, and includes, but is not limited to, communications sent or received via Signal, other messaging applications, text message, email, and/or other electronic forms of communication.
3. LITIGATION means and refers to the case titled *Hunters Capital, et al. v. City of Seattle*, No. 20-cv-00983 TSZ (W.D. Wash.).
4. YOU and YOUR mean and refer to LaRisa DeYoung and anyone acting on her behalf.